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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,584	07/02/2001	Roger Kent	38148/26437	2903
21888	7590	01/12/2004	EXAMINER	
THOMPSON COBURN, LLP ONE US BANK PLAZA SUITE 3500 ST LOUIS, MO 63101			SNIDER, THERESA T	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/898,584

Applicant(s)

KENT ET AL.

Examiner

Theresa T. Snider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-54, 56-58 and 66-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-41, 45, 47-49, 51-54, 56-58, 66, 68 and 69 is/are rejected.
- 7) ☒ Claim(s) 42-44, 46, 50 and 67 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: it is unclear as to where in the specification is disclosed that the indicator is 'attached to' the actuator(claims 39 and 54). Page 9, lines 6-8 and figure 3 disclose the actuator 'being constructed of' an indicator and a shaft, as opposed to the indicator being attached to the actuator.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 35-38, 66 and 69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claims 35-38, line 2, 'fast dry' jet tip lacks proper antecedent basis.

Claim 37, line 3 and claim 38, line 4, 'deep clean' jet tip lacks proper antecedent basis.

Claim 66, line 3, it is unclear as to whether the 'a support housing' is in addition to that of claim 39 or one in the same.

Claim 69, line 6, 'pump' should be inserted after 'vacuum'.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 39-41, 47-49 and 54 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Robinson('585).

Robinson('585) discloses a selection mechanism to select between two modes of operation, wherein the mechanism is a valve having an actuator with an indicator (fig. 2, #48,74).

Robinson('585) discloses the mechanism on a support housing (fig. 2, #42).

Robinson('585) discloses a source of liquid on the housing (fig. 1, #26,28).

Robinson('585) discloses a first liquid discharging jet tip on the housing (fig. 1, #24).

Robinson('585) discloses a second liquid discharging tip on the housing with the mechanism allowing for selection of either the first tip or the second tip (col. 4, lines 31-34 and col. 3, lines 20-33).

With respect to claim 40, Robinson('585) discloses the jet tips having different discharge flow rates (col. 4, lines 33-35).

With respect to claims 41 and 49, Robinson('585) discloses first and second conduits communicating between the tips and the mechanism (figs. 2-3, #50,54).

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With respect to claims 47-48, Robinson('585) discloses the mechanism being a ball valve with a manually operable indicator (fig. 2, #50,74).

With respect to claim 54, Robinson('585) discloses a spray nozzle chamber (fig. 3, #72).

6. Claims 39-41, 45, 47-49, 51-54, 56-58, 66 and 68-69 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Robinson('585), as evidenced by Robinson('980).

Robinson('585) discloses a selection mechanism to select between two modes of operation, wherein the mechanism is a valve having an actuator with an indicator (fig. 2, #48,74).

Robinson('585) discloses the mechanism on a support housing (col. 4, lines 40-46, and col. 8, lines 10-26('980)).

Robinson('585) discloses a source of liquid on the housing (fig. 1, #40('980)).

Robinson('585) discloses a first liquid discharging jet tip on the housing (fig. 1, #24, col. 4, lines 40-46, and col. 8, lines 10-26('980)).

Robinson('585) discloses a second liquid discharging tip on the housing with the mechanism allowing for selection of either the first tip or the second tip (col. 4, lines 31-34 and col. 3, lines 20-3).

With respect to claim 40, Robinson('585) discloses the jet tips having different discharge flow rates (col. 4, lines 33-35).

With respect to claims 41 and 49, Robinson('585) discloses first and second conduits communicating between the tips and the mechanism (figs. 2-3, #50,54).

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With respect to claims 45,51 and 58, Robinson('585) discloses the source of liquid being a solution tank on the housing (fig. 1, #40('980)).

With respect to claims 47-48, Robinson('585) discloses the mechanism being a ball valve with a manually operable indicator (fig. 2, #50,74).

With respect to claims 52 and 56, Robinson('585) discloses a source of vacuum pressure and a vacuum nozzle (col. 5, lines 49-55 and col. 5, lines 33-35('980)).

With respect to claims 53 and 57, Robinson('585) discloses a liquid recovery tank (col. 7, lines 46-51('980)).

With respect to claim 54, Robinson('585) discloses a spray nozzle chamber (fig. 3, #72).

With respect to claim 66, Robinson('585) discloses a support housing (fig. 1, #10('980)), an application and extraction section (fig. 1, #58('980)), a storage section (fig. 1, #12,40('980)) and a removal section (col. 5, lines 49-55).

With respect to claim 68, Robinson('585) discloses a solution pump and tank (col. 6, lines 15-31('980)).

With respect to claim 69, Robinson('585) discloses a vacuum pump and head, removal conduit and waste recovery tank (col. 5, lines 49-55 and col. 7, lines 46-51('980)).

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson('585).

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Robinson('585) discloses a similar cleaning machine however fails to disclose the specifics of the jet tips.

It would have been obvious to one of ordinary skill in the art to determine the most appropriate nozzle properties in Robinson('585) to allow for the most effective fluid distribution on a surface to be cleaned.

Allowable Subject Matter

9. Claims 42-44, 46, 50 and 67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: the prior art discloses a dual mode carpet cleaning machine as set forth in claim 39 with a spray nozzle chamber with one jet tip inside the chamber and another outside the chamber HOWEVER fails to disclose or fairly suggest both nozzles within the spray chamber. The prior art discloses a dial mode carpet cleaning machine as set forth in claim 39 with a vacuum nozzle HOWEVER fails to disclose or fairly suggest a brush adjacent eh vacuum nozzle with a motor operatively connected to the brush from moving the brush when the motor is operated.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Wednesday-Friday (6:30AM-3:00PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1300.

Theresa T. Snider
Primary Examiner
Art Unit 1744

rs. Snider.

TTS

12/31/03